

APPEAL NO. 031678
FILED AUGUST 18, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 29, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) sustained a compensable injury on _____. The appellant (carrier) appealed, arguing that the determination was so against the great weight and preponderance of the evidence as to be manifestly unjust. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that he sustained a compensable injury as defined by Section 401.011(10). Although the hearing officer noted that there was some inconsistency in the claimant's "accounting of the injury," he was persuaded that "the claimant sustained his burden of proof to show that he sustained damage or harm to his body on or about _____, as a result of having to perform physical contortions due to the long-time malfunctioning machine he operated." The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, the hearing officer's determination on the issue of compensable injury is supported by the claimant's testimony and medical reports. The hearing officer's decision on the appealed issue is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
AIG CLAIMS SERVICES
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge